

# SENATE JOURNAL

## OF THE

# IDAHO LEGISLATURE

SECOND REGULAR SESSION  
SIXTY-THIRD LEGISLATURE

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**TWELFTH LEGISLATIVE DAY**  
**FRIDAY, JANUARY 22, 2016**

Senate Chamber

President Pro Tempore Hill called the Senate to order at 10:45 a.m.

Roll call showed all members present except Senator Ward-Engelking, absent and formally excused by the Chair; and Senator McKenzie, absent and excused.

Prayer was offered by Father John Worster.

The Pledge of Allegiance was led by Marshall Toryanski, Page.

The Senate advanced to the Third Order of Business.

### Reading and Correction of the Journal

The JUDICIARY AND RULES Committee reports that the Senate Journal of the proceedings of January 21, 2016, was read and approved as corrected.

LODGE, Chairman

There being no objection, the report was adopted and ordered filed in the office of the Secretary of the Senate.

On request by Senator Davis, granted by unanimous consent, the Senate advanced to the Fifth Order of Business.

### Petitions, Resolutions, and Memorials

**SCR 133**  
**BY BUCKNER-WEBB, BURGOYNE, LACEY,**  
**WARD-ENGELKING**

A CONCURRENT RESOLUTION  
STATING FINDINGS OF THE LEGISLATURE AND  
COMMEMORATING AND RECOGNIZING THE MONTH  
OF FEBRUARY AS BLACK HISTORY MONTH IN IDAHO.

Be It Resolved by the Legislature of the State of Idaho:

WHEREAS, just ninety years ago, in 1926, Dr. Carter G. Woodson, a scholar and historian who was the son of former slaves, founded Negro History Week as an educational initiative to bring attention to the history and contributions of Black people throughout American history; and

WHEREAS, the second week of February was chosen because it marks the birthdays of Frederick Douglass and Abraham Lincoln, two men who greatly influenced the course of history of Black Americans; and

WHEREAS, the month of February is also significant in the history of African Americans for being the month when the National Association for the Advancement of Colored People (NAACP) was founded; when the 15th Amendment to the United States Constitution was passed, granting African American men the right to vote; when the first Black U.S. Senator Hiram R. Revels took his oath of office; and when Bernard A. Harris, Jr. became the first Black astronaut to walk in space; and

WHEREAS, while the number of Black people in Idaho has never exceeded one percent of the total population, they have nevertheless made significant contributions to Idaho; and

WHEREAS, the first recorded Black American in Idaho was York, the manservant of Captain William Clark, arriving in 1805 during the Lewis and Clark Expedition to the Pacific; and

WHEREAS, in 1867, Elvina Moulton, a former slave, followed the Oregon Trail to Boise. She stayed in Boise and undertook sewing and laundry work, saving her money and eventually buying her own home on Idaho Street next door to Boise Mayor James H. Hawley. She was also the only Black member among the prominent women who were charter members of Boise's First Presbyterian Church; and

WHEREAS, the 25th Infantry Regiment (known as the Buffalo Soldiers) risked their lives to save hundreds of men, women and children in the towns of Avery and Wallace, Idaho, during the Bitterroot Range wildfires in 1910. They built trails for fire crews, escorted families out of town to safety, helped keep the peace, evacuated towns and helped to light backfires when the great firestorm surrounded the community of Avery, and helped to retrieve the bodies of the townspeople and firefighters who didn't survive the conflagration; and

WHEREAS, in the latter part of the 19th century and the first half of the 20th century, African Americans arrived in Idaho to work in the mines, on the railroads, and eventually on the military bases located in Boise and Pocatello during World War II; and

WHEREAS, during this era, Black Idahoans faced restrictions as to where they were permitted to live, what work they were permitted to engage in, and whether they could join unions, eat in restaurants or attend theaters and churches; and

WHEREAS, the federal Civil Rights Act of 1964 was passed after being co-sponsored by U.S. Senator Frank Church from Idaho; and

WHEREAS, seven hundred Black and White Idahoans rallied on the Capitol steps in April 1968 to call for a stronger state civil rights law and better enforcement through creation of a state human rights commission; and

WHEREAS, under the leadership of then-Senator Phil Batt, the Idaho Human Rights Act was passed in 1969, prohibiting discrimination in employment, education, real estate transactions and public accommodations on the basis of race, sex, color, national origin and religion; and

WHEREAS, during the civil rights movement, Negro History Week was redesignated as Black History Week; and

WHEREAS, in 1976, as part of the nation's bicentennial, Black History Week was expanded and established as Black History Month with the hope that through this special observance, all Americans would be reminded of their ethnic roots and develop a mutual respect for the contributions of all racial groups in America; and

WHEREAS, Les Purce was the first Black elected official in Idaho, voted onto the Pocatello City Council and then becoming the city's mayor three years later in 1976; and

WHEREAS, Cherie Buckner-Webb was the first Black person to be elected in the Idaho State House of Representatives in 2010 and to the Idaho State Senate in 2012; and

WHEREAS, history teaches us that Black citizens in Idaho have struggled against slavery, prejudice and discrimination in

employment, housing, public accommodations and education over the course of our nation's history; and

WHEREAS, history also reveals that Black Idahoans have met these struggles bravely and contributed their many talents, achievements and contributions to their communities in Idaho; and

WHEREAS, Black History Month is an opportunity for all Idahoans to commemorate the struggles and victories of Black Americans in our history and to recognize their valuable contributions to society and to the state and nation's defense in war and peace.

NOW, THEREFORE, BE IT RESOLVED by the members of the Second Regular Session of the Sixty-third Idaho Legislature, the Senate and the House of Representatives concurring therein, that we do hereby commemorate and recognize the month of February 2016 as Black History Month in Idaho and encourage Idaho citizens to reflect on the complex history of minorities in Idaho and the United States, and to look to the future and strive to continue to improve society so that we live up to the ideals of freedom, equality and justice for all.

### SCR 134

#### BY EDUCATION COMMITTEE

#### A CONCURRENT RESOLUTION

STATING FINDINGS OF THE LEGISLATURE AND SUPPORTING THE STATE BOARD OF EDUCATION'S GOAL THAT 60 PERCENT OF IDAHO CITIZENS AGES 25-34 EARN A POSTSECONDARY DEGREE OR CERTIFICATE BY 2020 TO MEET THE STATE'S WORKFORCE NEEDS.

Be It Resolved by the Legislature of the State of Idaho:

WHEREAS, Idaho must grow talent within the state to fuel innovation and competitiveness to support a robust economy; and

WHEREAS, increased education attainment improves the quality of life for Idahoans by providing access to jobs with higher wages that support families and create opportunities for personal financial security; and

WHEREAS, the jobs of the future are increasingly automated and technology driven; and

WHEREAS, the state must support an education system in which students graduate with the knowledge and skills that maximize their potential for success in the workforce while providing businesses with the necessary talent to thrive; and

WHEREAS, there will continue to be a shortage of Idahoans with postsecondary degrees, certificates and education credentials to meet future workforce needs; and

WHEREAS, bolstering postsecondary academic and career technical education opportunities in high demand fields, such as health care, information technology, advanced manufacturing and transportation are increasingly important in meeting workforce needs; and

WHEREAS, the State Board of Education has set a goal that 60 percent of citizens ages 25-34 attain a postsecondary degree or certificate by 2020; and

WHEREAS, currently only 40 percent of citizens have a postsecondary degree or certificate; and

WHEREAS, Idaho must increase the number of citizens ages 25-34 with a postsecondary degree or a certificate by at least five percentage points a year in order to reach the 60 percent goal; and

WHEREAS, 52 percent of Idaho's high school graduates are pursuing higher education within one year of high school graduation; and

WHEREAS, the Legislature enacted local college and career advising programs and dual credit, career technical and advanced

placement programs to help students jump-start their higher education by setting college and career goals and earning college credit while in high school; and

WHEREAS, the State Board of Education has implemented the Direct Admissions initiative to provide Idaho high school graduates the opportunity to enroll in an Idaho public higher education institution; and

WHEREAS, 28 percent of Idaho adults over the age of 25 have attended college but have not completed a degree; and

WHEREAS, Idaho's colleges and universities have undertaken initiatives to address college access, affordability, retention and graduation; and

WHEREAS, it is imperative that Idaho commit to efficiently and effectively increasing postsecondary degrees and certificates; and

WHEREAS, the State Board of Education has joined the Complete College American Alliance of States to become a recognized leader in talent creation and workforce development; and

WHEREAS, Idaho must encourage families to prepare our children for educational attainment by helping them prepare for school, encouraging them to read and value education.

NOW, THEREFORE, BE IT RESOLVED by the members of the Second Regular Session of the Sixty-third Idaho Legislature, the Senate and the House of Representatives concurring therein, that Idaho's education system kindergarten through career should focus on ensuring that Idaho students are prepared for success at the postsecondary level and in the workforce.

BE IT FURTHER RESOLVED that parents, the State Board of Education, the State Department of Education, the Division of Professional-Technical Education, the public higher education institutions, the Department of Labor and the Department of Commerce work with educators, representatives from business and industry, the Governor and the Legislature to promote policies and programs that ensure Idaho is making progress toward the "60 by 20" goal and that the State Board of Education will report annually to the Legislature on such progress.

[SCR 133](#) and [SCR 134](#) were introduced, read at length, and referred to the Judiciary and Rules Committee for printing.

The Senate advanced to the Sixth Order of Business.

### Reports of Standing Committees

January 21, 2016

The FINANCE Committee reports out [S 1199](#), [S 1200](#), and [S 1201](#) with the recommendation that they do pass.

KEOUGH, Chairman

[S 1199](#), [S 1200](#), and [S 1201](#) were filed for second reading.

On request by Senator Davis, granted by unanimous consent, the Senate advanced to the Eleventh Order of Business.

### Introduction, First Reading, and Reference of Bills, House Petitions, Resolutions, and Memorials

#### S 1203

#### BY JORDAN AND BUCKNER-WEBB

#### AN ACT

RELATING TO PRIMARY ELECTIONS; REPEALING SECTION 34-411A, IDAHO CODE, RELATING TO

CHANGING OR SELECTING PARTY AFFILIATION FOR A PRIMARY ELECTION; AMENDING CHAPTER 4, TITLE 34, IDAHO CODE, BY THE ADDITION OF A NEW SECTION 34-411A, IDAHO CODE, TO PROVIDE FOR CHANGING OR SELECTING PARTY AFFILIATION FOR A PRIMARY ELECTION; AND DECLARING AN EMERGENCY.

**S 1204**  
**BY SCHMIDT**  
AN ACT

RELATING TO MEDICAID; AMENDING CHAPTER 2, TITLE 56, IDAHO CODE, BY THE ADDITION OF A NEW SECTION 56-267, IDAHO CODE, TO PROVIDE THAT THE STATE SHALL AMEND ITS STATE PLAN TO EXPAND MEDICAID ELIGIBILITY TO CERTAIN PERSONS AND TO PROVIDE THAT THE DEPARTMENT OF HEALTH AND WELFARE IS REQUIRED AND AUTHORIZED TO TAKE ALL ACTIONS NECESSARY TO IMPLEMENT THE PROVISIONS OF THIS SECTION; AMENDING SECTION 56-262, IDAHO CODE, TO PROVIDE A CORRECT CODE REFERENCE; AND DECLARING AN EMERGENCY.

**S 1205**  
**BY SCHMIDT**  
AN ACT

RELATING TO MEDICAL ASSISTANCE; AMENDING SECTION 56-254, IDAHO CODE, TO CLARIFY ELIGIBILITY FOR THE BENCHMARK PLAN FOR PERSONS WITH DISABILITIES OR SPECIAL HEALTH NEEDS, TO PROVIDE ELIGIBILITY STANDARDS FOR THE BENCHMARK PLAN FOR CERTAIN LOW-INCOME INDIVIDUALS, TO PROVIDE ELIGIBILITY STANDARDS AND ASSISTANCE FOR OTHER LOW-INCOME INDIVIDUALS AND TO PROVIDE CORRECT CODE REFERENCES; AMENDING SECTION 56-255, IDAHO CODE, TO REVISE TERMINOLOGY AND TO PROVIDE CORRECT CODE REFERENCES; AND AMENDING CHAPTER 2, TITLE 56, IDAHO CODE, BY THE ADDITION OF A NEW SECTION 56-255A, IDAHO CODE, TO PROVIDE THAT THE DEPARTMENT OF HEALTH AND WELFARE WILL IMPLEMENT PERSONAL ACCOUNTABILITY REQUIREMENTS FOR CERTAIN INDIVIDUALS, REIMBURSE THE CATASTROPHIC HEALTH CARE COST FUND FOR CERTAIN CLAIMS AND PURSUE FEDERAL WAIVERS TO IMPLEMENT COVERAGE FOR CERTAIN INDIVIDUALS; DECLARING AN EMERGENCY; AND PROVIDING THAT THIS ACT SHALL BE NULL, VOID AND OF NO FORCE AND EFFECT UNDER CERTAIN CIRCUMSTANCES.

**S 1206**  
**BY FINANCE COMMITTEE**  
AN ACT

APPROPRIATING ADDITIONAL MONEYS TO THE DEPARTMENT OF HEALTH AND WELFARE FOR THE DOMESTIC VIOLENCE COUNCIL AND INDIRECT SUPPORT SERVICES FOR FISCAL YEAR 2016; AUTHORIZING ADDITIONAL FULL-TIME EQUIVALENT POSITIONS FOR FISCAL YEAR 2016; AND DECLARING AN EMERGENCY.

**S 1207**  
**BY FINANCE COMMITTEE**  
AN ACT

APPROPRIATING ADDITIONAL MONEYS TO THE DEPARTMENT OF HEALTH AND WELFARE FOR STATE HOSPITAL SOUTH FOR FISCAL YEAR 2016; AND DECLARING AN EMERGENCY.

**S 1208**  
**BY EDUCATION COMMITTEE**  
AN ACT

RELATING TO SCHOLARSHIPS; AMENDING SECTION 33-4302, IDAHO CODE, TO SPECIFY THE TYPE OF HOUSING PROVIDED TO ELIGIBLE INDIVIDUALS, TO SPECIFY WHEN A PUBLIC SAFETY OFFICER IS CONSIDERED TOTALLY AND PERMANENTLY DISABLED FOR PURPOSES OF AN ARMED FORCES AND PUBLIC SAFETY OFFICER SCHOLARSHIP AND TO MAKE TECHNICAL CORRECTIONS; AMENDING SECTION 33-4303, IDAHO CODE, TO ADD PROVISIONS REGARDING THE INVESTMENT OF SURPLUS MONEYS IN THE OPPORTUNITY SCHOLARSHIP PROGRAM ACCOUNT; AND AMENDING SECTION 63-3067D, IDAHO CODE, TO PROVIDE CORRECT CODE CITATIONS.

**S 1209**  
**BY EDUCATION COMMITTEE**  
AN ACT

RELATING TO GENERAL POWERS OF THE BOARD OF TRUSTEES OF COMMUNITY COLLEGE DISTRICTS; AMENDING SECTION 33-2107, IDAHO CODE, TO PROVIDE CORRECT TERMINOLOGY, TO CLARIFY CERTAIN POWERS OF THE BOARD OF TRUSTEES OF EACH COMMUNITY COLLEGE DISTRICT AND TO MAKE TECHNICAL CORRECTIONS.

**S 1210**  
**BY EDUCATION COMMITTEE**  
AN ACT

RELATING TO CAREER TECHNICAL EDUCATION; AMENDING SECTION 5-343, IDAHO CODE, TO REPLACE A REFERENCE TO PROFESSIONAL-TECHNICAL EDUCATION WITH CAREER TECHNICAL EDUCATION AND TO MAKE A TECHNICAL CORRECTION; AMENDING SECTION 15-12-213, IDAHO CODE, TO REPLACE A REFERENCE TO PROFESSIONAL-TECHNICAL EDUCATION WITH CAREER TECHNICAL EDUCATION; AMENDING SECTION 18-3309, IDAHO CODE, TO REPLACE REFERENCES TO PROFESSIONAL-TECHNICAL EDUCATION WITH CAREER TECHNICAL EDUCATION; AMENDING SECTION 33-107B, IDAHO CODE, TO REPLACE REFERENCES TO PROFESSIONAL-TECHNICAL EDUCATION WITH CAREER TECHNICAL EDUCATION; AMENDING SECTION 33-107D, IDAHO CODE, TO REPLACE A REFERENCE TO PROFESSIONAL-TECHNICAL EDUCATION WITH CAREER TECHNICAL EDUCATION; AMENDING SECTION 33-123, IDAHO CODE, TO REPLACE REFERENCES TO PROFESSIONAL-TECHNICAL EDUCATION WITH CAREER TECHNICAL EDUCATION; AMENDING SECTION 33-1002G, IDAHO CODE, TO REPLACE REFERENCES TO PROFESSIONAL-TECHNICAL EDUCATION WITH CAREER TECHNICAL EDUCATION AND TO REMOVE



EDUCATION WITH CAREER TECHNICAL EDUCATION  
AND TO MAKE TECHNICAL CORRECTIONS.

**S 1211**  
**BY LOCAL GOVERNMENT AND TAXATION**  
**COMMITTEE**  
AN ACT

RELATING TO THE CATASTROPHIC HEALTH CARE  
COST PROGRAM; AMENDING SECTION 31-3517, IDAHO  
CODE, TO AUTHORIZE REIMBURSEMENT FOR COUNTY  
COMMISSIONER MEMBERS OF THE CATASTROPHIC  
HEALTH CARE COST PROGRAM BOARD AND TO MAKE  
A CODIFIER'S CORRECTION.

**S 1212**  
**BY STATE AFFAIRS COMMITTEE**  
AN ACT

RELATING TO THE EMERGENCY COMMUNICATIONS  
ACT; AMENDING SECTION 31-4801, IDAHO CODE,  
TO ESTABLISH THE IDAHO PUBLIC SAFETY  
COMMUNICATIONS COMMISSION AND TO  
PROVIDE FOR CERTAIN DUTIES AND SERVICES;  
AMENDING SECTION 31-4802, IDAHO CODE, TO  
PROVIDE DEFINITIONS AND TO MAKE TECHNICAL  
CORRECTIONS; AMENDING SECTION 31-4804, IDAHO  
CODE, TO EXPAND THE USE OF THE EMERGENCY  
COMMUNICATIONS FEE AND TO MAKE TECHNICAL  
CORRECTIONS; AMENDING SECTION 31-4804A, IDAHO  
CODE, TO AUTHORIZE THE ESTABLISHMENT OF  
NEXT GENERATION CONSOLIDATED EMERGENCY  
SYSTEMS; AMENDING SECTION 31-4815, IDAHO  
CODE, TO PROVIDE FOR THE MEMBERSHIP OF  
THE IDAHO PUBLIC SAFETY COMMUNICATIONS  
COMMISSION; AMENDING SECTION 31-4816, IDAHO  
CODE, TO PROVIDE FOR THE RESPONSIBILITIES  
OF THE IDAHO PUBLIC SAFETY COMMUNICATIONS  
COMMISSION; AMENDING SECTION 31-4817, IDAHO  
CODE, TO PROVIDE FOR MEDIATION REGARDING  
INTEROPERABLE PUBLIC SAFETY COMMUNICATIONS  
AND DATA SYSTEMS; AMENDING SECTION 31-4819,  
IDAHO CODE, TO PROVIDE FOR THE BUDGETING  
AND USE OF THE ENHANCED EMERGENCY  
COMMUNICATIONS GRANT FUNDS; AMENDING  
CHAPTER 48, TITLE 31, IDAHO CODE, BY THE  
ADDITION OF A NEW SECTION 31-4820, IDAHO  
CODE, TO ESTABLISH THE IDAHO PUBLIC SAFETY  
INTEROPERABLE COMMUNICATIONS AND DATA  
SYSTEMS FUND; AMENDING CHAPTER 48, TITLE  
31, IDAHO CODE, BY THE ADDITION OF A NEW  
SECTION 31-4821, IDAHO CODE, TO AUTHORIZE  
ADMINISTRATIVE SUPPORT FOR THE COMMISSION;  
AND REPEALING CHAPTER 12, TITLE 46, IDAHO  
CODE, RELATING TO STATEWIDE COMMUNICATIONS  
INTEROPERABILITY.

[S 1203](#), [S 1204](#), [S 1205](#), [S 1206](#), [S 1207](#), [S 1208](#), [S 1209](#),  
[S 1210](#), [S 1211](#), and [S 1212](#) were introduced, read the first time  
at length, and referred to the Judiciary and Rules Committee for  
printing.

On request by Senator Davis, granted by unanimous consent,  
the Senate advanced to the Fifteenth Order of Business.

**Miscellaneous Business**

On motion by Senator Davis, seconded by Senator Stennett,  
by voice vote, the Senate adjourned at 11 a.m. until the hour of  
11:30 a.m., Monday, January 25, 2016.

BRENT HILL, President Pro Tempore

Attest: JENNIFER NOVAK, Secretary